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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/288,006 | 04/08/1999 | JOSEPH E. CLOUTIER | CLOUTIER-2-3 | 6957 |

30541 7590 08/26/2003

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[REDACTED] EXAMINER

ABELSON, RONALD B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2666 | // |

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/288,006 | CLOUTIER ET AL. | |
| | Examiner Ronald Abelson | Art Unit 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-14 and 27-30 is/are allowed.
- 6) Claim(s) 15,16,21-23,25 and 26 is/are rejected.
- 7) Claim(s) 17-20 and 24 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 November 1999 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 16, 21-23, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotikalapudi (EP 0 372 795).

Regarding claims 15 and 22, Kotikalapudi teaches a wireless communication system having a transmitter and at least one receiver operable to be coupled via a communications link for burst transmission of input packets (fig. 1).

The system comprises monitoring a source for the presence of at least one additional data packet within a known time period beginning at a point coincident with an ending of an assigned period for the burst duration (completion of transmission, col. 8 lines 3-13), as specified in claims 15 and 22.

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The system comprises terminating the burst transmission when no additional data packets are detected (col. 8 lines 13-16), as specified in claim 15.

The system comprises adding the known time period to the burst duration upon detection of at least one additional data packet during the known time period (incrementing the value of the voice timer, col. 8 lines 3-13), as specified in claim 22.

Regarding claims 16 and 23, restarting the known time period commensurate with a detection of at least one additional packet (col. 9 lines 30-32, fig. 2 box 107, 115).

Regarding claims 21 and 26, the monitored source is a data buffer (voice queue VQ, col. 8 line 10).

Regarding claims 25, annexing at least one additional data packet into the burst transmission (col. 8 lines 3 - 13).

Allowable Subject Matter

3. Claims 1-14 and 27-30 are allowed.

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4. Claims 17-20 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter.

Regarding independent claims 1 and 27, nothing in the prior art of record teaches or fairly suggests "during the transmission duration, monitoring a source of the input data packets for the presence of at least one additional data packet of the input data message and annexing the monitoring the at least one additional data packet into the burst duration" in combination with the other limitations of the claim. Although Tiuraniemi teaches the decision of the length of the time slot is preferably made during the respective timeslot, the inventor does not explicitly state that the length is dependent upon data packets that may have arrived during the current timeslot. In addition, although Kotikalapudi teaches increasing the time duration for a transmission based upon voice packets that have arrived during the transmission, the determination to append is made at the completion of the transmission of the voice packet.

col.
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Regarding claim 17, nothing in the prior art of the record teaches or fairly suggests restarting the time period corresponds to the detection of a first data packet within the time period, in combination with the other limitations listed in the claim.

Regarding claim 18, nothing in the prior art of the record teaches or fairly suggests restarting the time period corresponds to the detection of a last data packet within the time period, in combination with the other limitations listed in the claim.

Regarding claim 19, nothing in the prior art of the record teaches or fairly suggests restarting the time period corresponds to the transmission of a first data packet within the time period, in combination with the other limitations listed in the claim.

Regarding claim 20, nothing in the prior art of the record teaches or fairly suggests restarting the time period corresponds to the transmission of a last data packet within the time period, in combination with the other limitations listed in the claim.

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Regarding claim 24, nothing in the prior art of the record teaches or fairly suggests time period is selected based upon the input data rate, in combination with the other limitations listed in the claim.

Response to Arguments

5. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant's argument that Tiuraniemi does not teach all the limitations of independent claims 1, 15, 22, and 27. Therefore, a new search was performed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the

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organization where this application or proceeding is assigned is
(703) 872-9306.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
receptionist whose telephone number is (703) 305-9600.

RA

Ronald Abelson
Examiner
Art Unit 2666

Seema S. Rao
SEEMA S. RAO 8/25/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800